

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

PATRECIA WATKINS

§

VS.

§

CIVIL ACTION NO. 1:10cv361

RICK THALER, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Patrecia Watkins, an inmate at the Mountain View Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the defendants' motion for summary judgment should be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After thorough *de novo* review, the court finds that the motion for summary judgment should be granted. The competent summary judgment evidence fails to show conduct rising to the level required to establish a constitutional violation.<sup>1</sup>

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<sup>1</sup> To the extent plaintiff claims she was not allowed an opportunity to respond to the motion for summary judgment, plaintiff's assertion is contradicted by the record. Plaintiff was ordered to file a response on September 5, 2017. However, the order was returned to the court as undeliverable based on plaintiff's failure to provide the court with a current mailing address. Following a notice of change of address, the order was again mailed to plaintiff on October 18, 2017. While plaintiff's response was filed after the report, the response has been considered as part of the *de novo* review.

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **1** day of **March, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge